Volume II

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

VIRGINIA CRAMER,

Petitioner, Plaintiff and Appellant

VS

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, and All Members
of the State Bar of Michigan
similarly situated,

Respondents, Defendants and Appellees

PETITIONER'S APPENDIX

IN CONJUNCTION WITH

PETITION FOR A WRIT OF CERTIORARI

Virginia Cramer
Pro se Petitioner
27314 Clairview
Dearborn Heights,
Michigan 48127
(313) 278-7286

February 1984

Volume II

PETITIONER'S APPENDIX
IN CONJUNCTION WITH
PETITION FOR A WRIT OF CERTIORARI

VOLUME I

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APPENDIX S

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER, Civil No.

Plaintiff, 81-73926

v.

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, et al.
_____/

FILED
10/18/82

ORDER DENYING MOTION TO REMAND REMOVED STATE CASE OF THE WAYNE COUNTY CIRCUIT COURT - NO. 72-218-571-CZ

Being fully advised in the premises and consistent with the Memorandum Opinion rendered by this Court on June 30, 1982, and involving motion for rehearing and Memorandum Opinion having been rendered by this Court on October 8, 1982,

IT IS HEREBY ORDERED AND ADJUDGED that the Motion of the Defendants State Bar of Michigan and H. Rollin Allen for remand of State case Wayne County Circuit Court, Civil Action No. 72-218-571-CZ for the proceedings commenced on February 17, 1981 and therefrom to the date of filing said removed case on Octo-

ber 21, 1981, is DENIED, and that the said remand is hereby denied.

/s/ Ralph M. Freeman
U. S. District Court Judge

Dated:
10/18/82

APPENDIX T

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

STATE BAR OF MICHIGAN, Civil Action No.

Plaintiff, 72-218-571-CZ

VS

VIRGINIA CRAMER,

(alleged) Defendant.

PROCEEDINGS

Had before the Honorable John D. O'Hair, Judge of the Third Judicial Circuit of Michigan, 1821 City-County Building, Detroit, Michigan 48226, on Friday, June 5, 1981.

APPEARANCE: Mr. H. Rollin Allen
Attorney at Law - on behalf of
State Bar of Michigan

Mr. Adam Angelas
Attorney at law - on behalf of
Sheriff (Wayne County)

Detroit, Michigan
June 5, 1981

THE CLERK: State Bar versus Kramer.

THE COURT: Mr. Allen?

MR. ALLEN: H. Rollin Allen on behalf of the State Bar of Michigan on the matter of Virginia Cramer. A Motion for the entry of an Order to Show Cause was filed on this matter and an Order to Show Cause was issued directing Virginia Cramer to appear on the 24th day of April, 1981. To Show Cause why she shouldn't be punished for contempt for violating a Judgment and Injunctive Order of the Court. The Order and Show Cause and Motion for the Entry of the Order was duly served upon her as evidenced by Proof of Service in the file.

On the 24th of April, 1981, at two o' clock, I appeared here and waited until sometime after 3:00 p.m.. At that time, when it was obvious that she wasn't going to appear, the Court directed me to prepare an Order for the issuance of a Warrant for her arrest. I did so. On April 29, 1981, the Court issued an Order for the

issuance of a Warrant and signed the warrant directing the Wayne County Sheriff to arrest Virginia Cramer. That was more than a month ago. Now, I was advised by a representatative of the Wayne County Sheriff's Office that she would appear voluntarily this morning in this Court at 9:00 a.m., I appeared here before nine and it is now ten minutes after ten and she still has not appeared.

MR. ANGELAS: Adam Angelas appearing for the Sheriff of Wayne County. Mr. Allen is correct to a certain point, however, I had been in contact with Virginia Cramer for the past two weeks and she, at no time, indicated that she wanted to be arrested and brought in because she felt for some reason that jurisdiction of the Court would attach if she was not arrested. However, I had indicated to her that I have no right to look behind a Warrant, an Order, a lawful Order of this Court. I was not the judge in this case. I certainly had no authority to do anything other than to advise my

client that he had no authority to do other than the Order required him to do and that was to arrest Virginia Cramer.

He then indicated to me that she had filed an appeal to the Supreme Court presiding in the same case and also served me and I believe, the Court with copies of that appeal. I have been in contact with yourself, Judge, at various times and indicated to the Court that we would make arrangements to either arrest Virginia Cramer or have her brought in at a time that was convenient to the Court. We then made arrangements, several times, to bring her in. I had conversations with her on the telephone as late as Wednesday of this week and she indicated to me that she was going to be downtown Friday, in the morning. That she would meet us somewhere in the downtown area around Kennedy Square, that she had to file an appeal and that we would have an officer there to arrest her and bring her in this morning. I indicated to her that that would be fine and that she please

call Carolyn Garengelli (ph) the office manager of the Sheriff's department, civil division. Carolyn Garengelli (ph), in fact, called her several times yesterday at which time she informs me, and this is hearsay, of course, we would have to bring her up here to take testimony, that Virginia Cramer told her that she had no understanding that she would be downtown and permit herself to be arrested. That she would not come into Court under any circumstances. This morning, I appeared before you indicating to the Court that I had been misled by statements that Virginia Cramer made. I realize that the Sheriff has no alternative but to carry out Orders of the Court. As the Court knows, the Sheriff is understaffed and we had some problems with getting units out there and causing the arrest. However, I can say to the Court that I will have a man out there, at her home and place a surveillance so that she will be brought before this Court whenever this Court thinks it advisable.

THE COURT: I think the Warrant should be executed as quickly as possible. To obviate any unnecessary detention over a weekend period of time, I would like to provide that in the event she is arrested, she has the opportunity to place a thousand dollar cash bond pending a hearing date, rather than simply bring her in any time she is arrested and expect you, Mr. Allen, to go ahead at that time. It seems to me that we have to have her assurance in Court, either on a voluntary basis or an involuntary basis and the former has not proved at all, so it seems that the latter course is necessary.

If arrested, she can place a one thousand dollar bond pending the actual hearing and the Order to Show Cause. Is that satisfactory, sir?

MR. ALLEN: I would prefer a five thousand dollar bond. I think that it is a little stronger incentive, she might be more likely to come down.

THE COURT: Well, it is my thought that a thousand will be as much motivation to Ms. Cramer as five thousand dollars. If it is determined that a thousand dollars is inadequate it can always be increased.

MR. ALLEN: Thank you, Your Honor.

THE COURT: I do want the personnel in the Sheriff's office to know that she has the option of placing a thousand dollar cash bond. Is an Order necessary to that end, sir?

MR. ANGELAS: Yes, it would be, Your Honor.

THE COURT: Could you do that. That upon her arrest, a bond of one thousand dollars will effectuate her release pending the release date.

(Proceedings concluded.)

Jeffrey B. Goldsmith
Official Court Reporter

APPENDIX U

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

STATE BAR OF MICHIGAN, Civil Action

Plaintiff, 72-218-571-CZ

VS

Virginia Cramer,

Defendant.

PROCEEDINGS

Had in the matter before the Honorable John D. O'Hair, Circuit Court Judge, on Friday, June 12, 1981, at Detroit, Michigan.

APPEARANCE: Virginia Cramer
27314 Clairview
Dearborn Heights, Michigan 48127
Appearing in pro per

Detroit, Michigan
Friday, June 12 1981

THE COURT: Mrs. Cramer, as a result of your failure to appear at a show cause hearing, a bench warrant was issued for your arrest. As a result of your warrant being issued, you have been put in the City --

MRS. CRAMER: Excuse me, your Honor. I am terribly thirsty because of this upset, my

mouth is so dry. (at drinking fountain) You may continue talking. I can hear you from this distance.

THE COURT: You are brought in on the warrant as a result of your failure to respond to the Court's order to show cause. At the time the warrant was issued, I entered an order to the effect that pending the hearing on the order to show cause, you could obtain your release by filing a $1,000 cash bond. The earliest time that I can schedule a hearing on the order to show cause is Wednesday, June 17, 1981, 9 a.m. Until you file the $1,000 cash bond, you will be in custody during that period of time. There is a problem that has been brought to my attention. I didn't anticipate it and I don't know how to resolve it. I'm going to bring it to your attention. In addition to the warrant I issued, two have been issued out of the Oakland County Circuit Court and they have holds for you in the event you are arrested as a result of which is if you pay $1,000, effect your release pending the hear-

ing in the Wayne County Circuit Court. You are not going to get out of jail.

MRS. CRAMER: Unless I pay the $1,000; is that what you're saying?

THE COURT: I am saying, in order to have your liberty pending the hearing on the order to show cause in the Wayne County Circuit Court, you have to put up a $1,000 cash bond, but I am told that there are other warrants that have been issued against you.

MRS. CRAMER: They're phony warrants, your Honor.

THE COURT: You're going to have to take care of them.

MRS. CRAMER: There is no case pending in the Oakland County Circuit Court that would name anyone to make me a party to any kind of action in the Oakland County Circuit Court. There is no jurisdiction inthe Oakland County Circuit Court and I claim likewise, there is no jurisdiction in the Wayne County Circuit Court.

THE COURT: You are not asked to. It's Wednesday morning at 9 a.m. that we will have the

hearing. I simply brought those facts to your attention. I understand you have a friend or somebody here.

MRS. CRAMER: My brother.

THE COURT: I don't know who it is, but somebody is here?

MRS. CRAMER: My brother. We went out to lunch today and drove up to the house when the arresting officers were there.

THE COURT: It seems to me you are going to have to seek assistance insofar as the Oakland County matter is concerned. I know nothing about it.

MRS. CRAMER: Your Honor, it seems very irregular that you would be involved in anything concerning Oakland County. In the first place, this happens to be Wayne County. I don't under stand why you are bringing it up.

THE COURT: I am concluding this hearing. The order on the show cause issued out of this court is Wednesday, June 17, 1981 at 9 a.m. The bond is $1,000 cash bond. If you make it, you will be released insofar as my

warrant is concerned. Officer, the hearing is over.

MRS. CRAMER: Will you take my check?

THE COURT: $1,000 cash bond.

MRS. CRAMER: You think people walk around with $1,000 cash? (in the murder and rape capitol of the world)

THE COURT: I think you knew about the warrant.

MRS. CRAMER: Your Honor has been charged with exceeding his jurisdiction in the Michigan Supreme Court. I am sure you had an opportunity to read the pleadings.

THE COURT: Mrs. Cramer, the hearing is over.

* * * * * * * * * * * * *

Cathy Silverman,
Court Reporter

APPENDIX V

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

STATE BAR OF MICHIGAN, Civil Action

Plaintiff, 72-218-571-CZ

VS

Virginia Cramer, 6-17-81

Defendant.

PROCEEDINGS

Had before the Honorable JOHN D. O'HAIR, Judge of the Third Judicial Circuit of Michigan, on Wednesday, June 17, 1981.

APPEARANCES: MR. H. ROLLIN ALLEN
Attorney at law - on behalf of
The State Bar of Michigan

MS. VIRGINIA CRAMER
In Pro Per

Detroit, Michigan
June 17, 1981

THE CLERK: State Bar of Michigan versus Virginia Cramer.

THE COURT: Good morning. Mr. Allen are you ready to proceed?

MR. ALLEN: Yes, Your Honor. This is the matter of the State Bar of Michigan versus Virginia Cramer. My name is Rollin Allen appearing

on behalf of the State Bar of Michigan. This matter is set for hearing this morning pursuant to an Order to Show Cause directed to Virginia Cramer as to why she should not be held in contempt for violating the provisions of an injunctive Order of this Court entered on January 5, 1973. As I understand it, I have to advise the Court that I will have to leave later on in the morning. I don't know how long this will take, but, if we may proceed at this time and go as far as we can?

THE COURT: All right, sir.

MR. ALLEN: Because of the shortness of the time, of course we had some subpoenas out directing people to appear at the original hearing when Ms. Cramer did not appear. We have been unable to get those subpoenas served again, so, at this time I would like to call Mrs. Cramer to the stand under the adverse party statute and to take testimony from Mrs. Cramer. Ms. Cramer?

MS. CRAMER: Your Honor, do I have an opportunity to object to the irregularity of

the proceedings?

THE COURT: Certainly.

MS. CRAMER: Number one, I question the jurisdiction of the Court in these proceedings. The matter was last heard in the Michigan Supreme Court. There was no remand for any further proceedings. It seems to me that if Mr. Allen wanted to pursue this matter in the lower court, that he would have necessarily had to initiate a whole new action based on facts showing probable cause. The issuance of a Summons and Complaint, etc, etc, etc. May I inquire where the original file is of this case?

THE COURT: I assume that it is with our County Clerk.

MS. CRAMER: I checked the County Clerk's office and they say that they have nothing. I checked with your clerk, Mr. Joe Hayes. There is nothing in the file relative to the proceedings that transpired prior to the time that it was taken on appeal.

THE COURT: I have a file here that bears a '72 number, but it is certainly not the file

that was originally created in this case, when initially commenced back in 1972. This is a duplicate file and it was prepared simply to accomodate the documents filed.

MS. CRAMER: I am sorry, I can't hear you. I would say that on the standards of the procedure and according to Court Rule and appellate rules and all the way down the line, that if Mr. Allen wanted to pursue this matter further, that he would have had to seek relief in the Court wherever the original file was. Where the original record is. Now, I am unable to locate the original papers on this matter. I think Mr. Allen should have had that burden or responsibility to determine that and wherever the original file is, that's where the proceedings should be. Whatever determination that Mr. Allen is seeking.

MR. ALLEN: If I may respond, Your Honor?

THE COURT: Yes.

MR. ALLEN: I have a copy of the judgment that was entered and the injunctive Order which

is the only important part in the file as far as these proceedings are concerned. That was the Judgment for plaintiff and the injunctive Order dated January 5, 1973 executed on this Court. If Ms. Cramer does not have a copy of that, I would be glad to let her see a copy that I have. The matter went to the Supreme Court of Michigan, as the Court knows, and the civil contempt finding of the Court was sustained. The injunction was sustained.

In the injunction there is a provision that the Court expressly reserves jurisdiction to perform all acts leading towards or necessary for the enforcement of this Judgment and injunctive Order. That's the background of this action.

THE COURT: Mrs. Cramer, I am satisfied without any question - -

MS. CRAMER: (Interposing) Just a moment, Your Honor. In response to Mr. Allen's referral to the injunctive Order, it is obvious that the injunctive Order is directed to persons doing business as Gordon,

Graham and Cramer and Associates, who no longer exist. There is no unseveralibility of the parties in that injunctive Order as to "and doing business as Gordon, Graham and Cramer". The reservation of the injunctive Order as to retention of jurisdiction reads, the Court, emphasis on T-H-E, The Court expressly reserves jurisdiction. That could mean the Court from which it last was heard who made any determination on it. It doesn't say "this court". And, my contention is in reading that injunctive Order, verbatim, without trying to slant anything one way or another, that the Michigan Supreme Court on affirming the injunctive Order, I would say, that the matter was last heard in the Michigan Supreme Court. And, on affirmation of the injunctive Order it could well mean that "The Court" means Michigan Supreme Court.

MR. ALLEN: I think Mrs. Cramer raised two points - -

THE COURT (Interposing): I think they have both been covered, frankly. Mrs. Cramer, I am satisfied that this Court has jurisdiction over these proceedings without any question whatever. The injunctive Order, entered January 5, 1973, was directed against you, individually, and in conjunction with Harold Graham, Michael Gordon doing business as Gordon, Graham and Cramer Associates. There is no question whatever that each of the individuals was enjoined permanently from engaging in the unauthorized practice of law - - -

MS. CRAMER (Interposing): But, wouldn't you please, Your Honor - -

THE COURT (Interposing): Just a minute, please. Mrs. Cramer, I didn't interrupt you - -

MS. CRAMER (Interposing): It must be, as doing business as - - - It doesn't say "or" - -

THE COURT: Mrs. Cramer, I have listened to you. You listen to me. Sit down, please. I will be courteous with you, if you will be courteous with me. You will have a full opportunity to present your position.

Don't interrupt and I won't interrupt you.

I have heard both sides on the point. I am absolutely satisfied that this Court has continuing jurisdiction and has had continuing jurisdiction since January 5, 1973 when this Order was entered. It is directed towards individuals doing business as Gordon, Graham and Cramer, Associates and is also directed against the individuals named in the proceeding: Harold Graham, Michael Gordon and Virginia Cramer. It is a permanent injunction. That means that you are not to ever engage in the unauthorized practice of law, not simply at the time of the entry of judgment. The reservation of jurisdiction is really unnecessary, but it is provided in the judgment and it clearly reserved unto this Court the power to enforce it's orders. If there was no power to enforce it's orders, the Order would be absolutely meaningless. I am satisfied that the matter is properly before this Court.

I do have some concern about plaintiff's

counsel calling, under the adverse party statute, the defendant for purposes of cross examination. Do you see any problem with the privilege of self-incrimination being involved?

MR. ALLEN: Since this is not a criminal action, I do not.

THE COURT: Mrs. Cramer, do you wish to be heard on the point?

MS. CRAMER: I am not familiar with the language in the adverse party statute. As a matter of fact, I didn't even know that one existed. He hasn't cited any statute and hasn't given me any reference to which I might do some research on. That's my whole objection to the Order to Show Cause, Your Honor, there were no facts stated in the Order to Show Cause. There was nothing to respond to. On information and belief is not an acceptable position of an affiant to obtain an Order signed by the Court. There is no showing of probable cause. There is absolutely nothing. It's a big boobytrap as far as I am concerned. You'll

have to forgive my language, but I don't know how else to label it. I also go by past experience in matters that I was victimized in. It seems to me as though lawyers can just request anything of the Court, no matter whether it is in conformance with Court Rules, or in conformance with statutes, or whether it is in conformance with proper procedure, or whatever, And particularly through the miscellaneous clerk, miscellaneous judge procedure where the miscellaneous clerk slops the stamp all over the paper before the judge even sees the motion for the Order to Show Cause. Then the judge affixes his signature or a rubber stamp signature to it and that, it seems to me as though I should be in the position of questioning the entire procedure of getting an Order through the Miscellaneous Clerk prior to the judge seeing it. The whole procedure seems irregular to me. It is clearly stated in case law that an affiant must show probable cause. There must be facts stated in the

motion or affidavit, of the affiant. There must be a whole lot of things before an Order can be obtained from the Court.

THE COURT: Ms. Cramer, you know that individuals in your position do have the right to legal counsel. When anybody is involved in judicial proceedings whether they be civil, criminal, contempt or otherwise, they do have the absolute right to be represented by legal counsel. I am simply apprising you of such right. Many of the statements that you make simply have no legal support whatever and it suggests to me that you need competent assistance in representing yourself in these proceedings. You have that option to obtain a lawyer. If you don't wish to take advantage of that right, that's your prerogative.

MS. CRAMER: Your Honor, it is not a matter of my taking advantage of the expertise of a lawyer, to engage the services of a lawyer. There is no lawyer available to represent me. This is on record at the referral service at the Detroit Bar Association. I

don't have the letter here, but I do have a letter at home indicating that they are unable to find a lawyer to handle my legal matters.

THE COURT: Mr. Allen, I am going to ask you to set forth, if you would, the precise violations alleged to have been committed by Mrs. Cramer insofar as disregarding the provisions of the January 5, 1973 Order?

MR. ALLEN: Very well, Your Honor. It is our position that first, Mrs. Cramer was ordered to refund to the customers, patrons or clients monies that she had received from the individual defendants. There has never been any proof that she did that.

She was also ordered to immediately notify in writing the customers whose cases were then being processed that further action had been permanently enjoined. There has never been any proof in this Court that she did that.

THE COURT: With reference to the Motion for entry of Orders to Show Cause filed in this case, wherein does it specifically allege

misconduct on the part of Mrs. Cramer?

MR. ALLEN: Well, it is based upon information and belief. And the information and belief on which it is based is as follows: As this Court is well aware, in the case of Michael John Chapman versus Liza Marie Chapman, which was heard in this court. The plaintiff testified that he had received some legal assistance from Mrs. Cramer. That the case of Chapman versus Chapman. 80 024 790 DO.

THE COURT: What was the number of that, please?

MR. ALLEN: 80 024 790 DO. I have a transcript of that testimony with me.

THE COURT: What are the other allegations, if any, sir?

MR. ALLEN: In addition to that proceeding, we have a transcript of the testimony in the matter of Hadley versus Hadley, is in the Oakland County Circuit Court. Civil action number 80 204 859 DO, in which there was testimony that Mrs. Cramer had given a party legal advise.

We have some pleadings in the case of

Huber versus Huber, Wayne County Circuit Court number 77 706 610 DO, which a motion for disqualification of Judge Neal Fitzgerald. An affidavit and notice of hearing, motion praecipe, which we are informed fairly believe were prepared by Mrs. Cramer.

In the case previously referred to, Chapman, we were informed that she prepared a deed in that case. We are advised that she prepared an affidavit when the divorce judgment was failed to provide for change of name.

We were advised in the case of Woods versus Woods, Wayne County Circuit Court case number 76 612 359 DM. Again, a motion for disqualification and other pleadings which, upon information and belief are advised and believe that she prepared.

In the case of Kniff versus Kniff, which is a case in the Wayne County Circuit Court assigned to Judge John R. Kirwan, number 77 712 438 DO. The pleading which we believe upon information and belief were prepared and filed by Mrs. Cramer.

In the case of Jim Christy Real Estate Inc., versus Byron, which is a matter in the District Court for the 19th Judicial District, Case number 4115C, upon information and belief pleadings were prepared by her involved in that case.

In the case of Simmons versus, and I will have to spell it, NGBODILLE, Wayne County Circuit Court number 80 007 706 DO.

MS. CRAMER: Would you repeat that number, please, Mr. Allen?

MR. ALLEN: 80 007 706 DO. We have a transcript of those proceedings and we were advised that she gave legal advice to prepare the pleadings for the parties in that case.

Those are the only ones we have this morning, Your Honor.

THE COURT: Have you supoenaed anybody to be here this morning?

MR. ALLEN: No, I have not. I do have transcripts of those proceedings; the Chapman case, the Hadley case. We would offer, as exhibits, or if the Court would -- I am not

sure of the correct proceedings. If the Court would like to take whether they should be offered as exhibits, or if the court would take judicial notice of the files. The Chapman case is in the Wayne County Circuit Court as are several of the others.

MS. CRAMER: Your Honor, shouldn't I be furnished with a copy of the transcript, or whatever Mr. Allen is referring to?

MR. ALLEN: We will be glad to furnish you same.

MS. CRAMER: I should be given the opportunity to question the accuracy of the transcript itself.

THE COURT: I think we will be unable to proceed this morning. There are several things that I see that are absolutely essential to procedural due process. The first of which is a defendant in a contempt proceeding, whether it be civil or criminal is entitled to know in advance of the hearing the specific allegations of misconduct. Consequently, if the State Bar wished to proceed further on this matter, it will be necessary

to file an amended motion, setting forth with preciseness the specific acts claimed to be in violation of the Court's judgment and Order of January 5, 1973, committed by the defendant Virginia Cramer.

It is just absolutely basic to due process, advance notice of what the claims against one are. We cannot go ahead without that type of notice. Secondly, she does have the right to cross examine persons who will testify against her. So, consequently, at the adjourned date we are going to have to have a hearing where live witnesses are presented to afford Mrs. Cramer the opportunity to cross examine them concerning the testimony that they may give concerning her violation of the subject Court judgment and Order.

MR. ALLEN: The Court is aware that they were available when Mrs. Cramer failed to appear and we had to let those people go. So, there was people prepared to testify in the original hearing, but she didn't appear.

THE COURT: I still feel that it is absolutely necessary that they return voluntarily or by court process. Their failure to appear today, though they were here previously cannot negate one's right to procedural due process under any conceivable theory. At the adjourned hearing date, I would ask that you present to the Court, Mr. Allen, the precise matter as it relates to the applicability or inapplicability of the privilege against self-incrimination in civil contempt proceedings where there is a possibility of commitment to jail, even though the defendant may purge himself or herself by compliance with the court order in the event that it is determined that there is a violation.

Again Mrs. Cramer, I advise you that you do have the right of counsel. Whether you wish to take advantage of it is your determination. Somewhere in this state there is an attorney or attorneys who will represent you, whatever the merit or lack of merit your position may be.

Secondly, you will receive notice of specific allegations against you. You should be prepared, as you see fit, to meet those allegations. The burden of proof is upon the plaintiff to sustain the allegations of contemptuous conduct. But, you do have the right to present a defense to those allegations if you wish to do so. Again, that is your prerogative.

MS. CRAMER: Your Honor, if I were to receive something proper in writing that I could respond to - -

THE COURT: Mrs. Cramer, you are going to receive something. That's why I directed Mr. Allen to file an amended motion setting forth with specificity.

MS. CRAMER: I understand that.

THE COURT: You will receive. Mr. Allen, the amended motion should be filed with the Court and a copy thereof served upon Mrs. Cramer within ten days of the hearing date.

MS. CRAMER: Your Honor, also any allegations that might appear in Mr. Allen's amended motion. Could there also be supporting

material of whatever nature such as a transcript that he has obtained. Could those be furnished to me also? You see, Your Honor, what I find from my own experience is that the lawyer in a particular matter uses different words to interpret whatever he wants to impart to a person. The choice of words is so important compared to a layperson's language. Now, I might say right off the top of my head here, that when Mr. Allen says, she is giving legal advice, well, what's legal advice compared to what's illegal advice, or whatever. It is a choice of words that lay people generally do not understand. So, if he is relying on certain lay people's testimony, or whatever it might be, I think that I should be entitled to whatever -- You know, whatever he arrived at in his conclusions to come up with this broad statement that she has given legal advice. That these people testified that she gave legal advice, whatever. It is a very important choice of words that, I think I should have. You know, whatever material

Mr. Rollin Allen has, to examine it carefully before any hearing. Before any proceedings take place.

THE COURT: Firstly, the transcripts that he has, I assume, provides the basis for the assertion that on information and belief, you have been engaged in the unauthorized practice of law. When we have the evidentiary hearing, the case is not going to be decided on those transcripts. The case is going to be decided on live testimony that is presented during the hearing. The transcripts will not be the basis for any determination. They may be utilized for some valid evidentiary purpose such as impeachment or what have you. But, this isn't going to be a trial of affidavits or transcripts. There are going to be witnesses available for your examination.

Secondly, in the amended motion, you will receive specific notice or information as to the proceedings involved in the allegation that you engaged in the unauthorized practice of law violative of the judge's judgment and Order. You can order

those transcripts if you think it is appropriate.

MS. CRAMER: It takes a long time to get those transcripts, an awful long time.

THE COURT: That's your prerogative. Maybe Mr. Allen, if you ask him will make those transcripts available to you for examination. I see no reason why he wouldn't. Mr. Allen, is there a problem there?

MR. ALLEN: Absolutely not. I have copies which I will see that she gets.

THE COURT: There is the resolution of a problem right there. You will have copies of the transcripts in advance of the hearing. Bear in mind, that this is a civil contempt proceedings. I want that unequivocally clear. Insofar as your involvement in the courts are concerned, it has always been objective and subjectively a civil contempt proceeding as far as the Court is concerned. There is never any desire to punish whatever. All this Court was ever interested in doing is obtaining compliance with the Court's judgments and Orders, nothing more.

So, as a result of the case and the opinion that went to the Supreme Court, on this record, I want it clear that a civil contempt proceeding no punishment per se is requested or will be imposed. If confinement results, it is only to obtain compliance of the Court's judgments and Orders, nothing more.

I think that we have to agree upon a hearing date that is mutually convenient and, also, which affords both sides the opportunity to prepare for the hearing.

MR. ALLEN: We have ten days to file our motion. How much time thereafter will she have to file a responsive pleading?

THE COURT: I would think that ten days is sufficient.

MS. CRAMER: Your Honor, is the Wayne Circuit Court judiciary going to take cognizance of the Michigan Supreme Court's decision with reference to the injunctive order and in reference to the conflict that appears in the Michigan Supreme Court's decision as to the injunctive order even though it was affirmed and even though there was a

clarification in the Michigan Supreme Court's decision as to sale and distribution of forms.

THE COURT: I will take judicial notice.

MS. CRAMER: And yet, there was no proceeding in any court seeking a modification of that injunctive order.

THE COURT: I think the order is clear, Mrs. Cramer, what the Supreme Court held in your case is not unclear to me. The only part that I question was the determination that it was a criminal contempt proceeding insofar as one aspect. But, the rule of State Bar versus Cramer, et al., is simply that the sale and distribution of legal forms without advice as to their completion or processing does not constitute the unauthorized practice of law. When you have sale and distribution coupled with advice and assistance in completion, then you have crossed the line from authorized activity to unauthorized activity, specifically, the unauthorized practice of law in violation of the law of the State of Michigan.

But, as I said, I will take notice and consider any applicable law germain to these proceedings. What date would be convenient to both of you insofar as the hearing is concerned.

MR. ALLEN: Whatever the date the Court sets. Sometime in July.

MS. CRAMER: Well, allowing ten days and then another ten days for an answer, that already takes care of twenty days out of the calendar, so this is already the seventeenth. Twenty days would put it at - -

THE COURT: How does August 11th sound? Does it meet with your schedule?

MS. CRAMER: Well, right now I don't foresee any difficulty in my part at this time, no.

THE COURT: I think that we have to come to some firm dates. The hearing day will be August 14, 1981, 9:00 a.m. - -

MR. ALLEN: The 11th, Your Honor.

THE COURT: Pardon me, the 11th at 9:00 a.m., if I said the 14th, I was mistaken.

The State Bar's amended motion insofar as it's order to Show Cause to be filed June 29th. Mrs. Cramer, your response is

to be ten days later. That would be, we will give you until July 13th, a little more than ten days.

MR. ALLEN: Thank you.

THE COURT: The matter is adjourned until August 11th.

(Proceedings concluded)

Jeffrey B. Goldsmith
Official Court Reporter

NOTE: On August 11, 1981, Judge John D. O'Hair issued an Order for restoration of $1,000.00 cash payable to Virginia Cramer.

APPENDIX W

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

JOANNE SYKES, Civil Action

Plaintiff, No. 210 228

VS

HARVEY LOUIS SYKES, (1972)

Defendant.

TRANSCRIPT

Proceedings had and testimony taken before the Honorable Thomas Roumell, Circuit Judge, at 512 Old Wayne County Building, in the City of Detroit, County of Wayne and State of Michigan, on September 7, 1972.

APPEARANCES: JOANNE SYKES
Appearing in Pro Per

REPORTED BY:
Madonna Anton
Official Court Reporter

PROCEEDINGS

Detroit, Michigan
September 7, 1972

THE CLERK: Sykes versus Sykes.

MRS. SYKES: I am representing myself, please.

JOANNE SYKES WAS THEREUPON called as a witness herein and after first being duly sworn to tell the truth, the whole truth and nothing but the truth, testified as follows:

MRS. SYKES: Your Honor, my name is Joanne Sykes, I live at 2304 Taylor, Detroit, Michigan. I have been a resident of the State of Michigan for three years and the County of Wayne for three years, prior to my filing of this divorce action.

I was legally married to Harvey Louis Sykes by a Judge in the City of Detroit, Michigan, on the third day of June, 1968. My name prior to my marriage was Joanne Edmondson.

My husband and I cohabited together from the time we were married until about August 9, 1970, at which time we were separated because he refused to accept the responsibility of family living expenses, such as clothing, food and rent, etcetera.

I am not pregnant as of this date and from the date of our marriage to this date there were no children born of our marriage.

There has been a breakdown of our rela-

tionship to the extent that the objects of matrimony have been destroyed and there seems no reasonable likelihood that the marriage can be preserved.

I am without relief --

THE COURT: You are what?

MRS. SYKES: I am without relief except in this Honorable Court and I pray this Honorable Court dissolve this marriage and adjudge an absolute divorce from the bonds of matrimony; order and adjudge that no alimony be paid; order and adjudge that both of us shall retain the personal property now in our own respective possession, free and clear of any claim of the other; restore my former name.

That would be it, Your Honor, if you have no other questions, may I call my witness?

THE COURT: The prevailing divorce law in this state has specifically waived the need of a witness so the Court does not desire or need a witness.

The Court, in compliance with Act No.

75 of the Public Acts of 1971, Section 6, subparagraph 3, I quote, states as follows:

> "The Court shall enter a judgment dissolving the bonds of matrimony if evidence is presented in open court that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved."

On the basis of the testimony you have presented to the Court, the Court denies your petition for a Judgment of Divorce, it being impressed that the evidence you have given is inconclusive as to how the marriage, and insufficient to demonstrate, how the marriage has broken down, the objects of matrimony broken down.

Okay?

MRS. SYKES: Okay.

* * * * * (Conclusion of proceedings) * * * * *

APPENDIX X

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

JEANETTE HUDSON, Plaintiff, -vs- EDWARD HUDSON, Defendant.

Case No. 74-018-521 DO

11/15/74

11/21/74

Proceedings had in the above-entitled cause before the HONORABLE ROLAND L. OLZARK, Circuit Judge, Room 1801 City-County Bldg., Detroit, Michigan, on Friday, November 15, 1974 and Thursday, November 21, 1974.

APPEARANCE: JEANETTE HUDSON, Plaintiff
In Pro Per

ARNITA M. WARE,
CSR Court Reporter

Detroit, Michigan
Friday,
November 15, 1974

JEANNETTE HUDSON, having been first duly sworn to testify to the truth, the whole truth and nothing but the truth, was examined and testified upon her oath as follows:

MRS. HUDSON: I'm representing myself.

THE COURT: Did you prepare these papers?

MRS. HUDSON; Well, with a little help.

THE COURT: Did you pay someone money to prepare this suit for you?

MRS. HUDSON: Some, yes.

THE COURT: Who did you pay it to?

MRS. HUDSON: Virginia Kramer.

THE COURT: When was this?

MRS. HUDSON: June.

THE COURT: In June of this year?

MRS. HUDSON: Yes, sir.

THE COURT: How much did you pay her?

MRS. HUDSON: Ninety-five Dollars, I think.

THE COURT: Did she type up these papers for you?

MRS. HUDSON: Yes, sir.

THE COURT: Who came down and filed the papers with the Court?

MRS. HUDSON: She did.

THE COURT: She came down and filed the papers?

MRS. HUDSON: Yes, sir.

THE COURT: All right.

MRS. HUDSON: Your Honor, my name is Jeanette Hudson. I live at 5816 Lakewood, Detroit, Michigan. I have been a resident of the

State of Michigan for 26 years and the County of Wayne for 26 years prior to the filing of this divorce action. I was legally married to Edward Hudson by a minister in the City of Grosse Pointe, State of Michigan, August 31, 1972. My name prior to our marriage was Jeanette Maime (Phonetic). My husband and I lived together from the time we were married until about June, 1974, at which time we were separated. He left me, he drank excessively, and he did not support me. He beat me and would not pay the bills.

I am requesting this divorce under the No-Fault Divorce Law. From the day of this marriage, there was no children born.

There has been a breakdown of our relationship to the extent that the objects of matrimony have been destroyed and there is no reasonable likelihood that the marriage can be revived. I am without relief except from this Court and I ask that His Honor -- Your Honorable Court will dissolve this marriage and adjudge an absolute divorce

from the bonds of matrimony; adjudge that no alimony be paid. Order and adjudge that both of us shall retain our personal property now in our own respective possession, free and clear of any claim of the other.

Any questions, Your Honor?

THE COURT: Did she issue the service for papers on your husband, also -- service of the papers on your husband, also?

MRS. HUDSON: Yes, sir.

THE COURT: And for all this she charged only Twenty-five Dollars?

MRS. HUDSON: No, Ninety-five.

THE COURT: Ninety-five?

MRS. HUDSON: Yes, sir.

THE COURT: All right. The Court will take the matter under advisement.

* * * * * * * * * * * * * * *

Detroit, Michigan
Thursday
November 21, 1974

THE CLERK: Case No. 74-018-521 DO, Jeanette Hudson versus Edward Hudson.

THE COURT: Mrs. Hudson, in regard to this

matter, it's my understanding that you paid Virginia Kramer Ninety-five Dollars in June of the year for preparation of your divorce papers. I think there has been considerable publicity that she was under injunction not to include these type of things, and she violated this injunction as reported to me. It doesn't seem to me that there is any alternative for the court but to dismiss this case without prejudice, and you can procure the proper help in preparing this case.

MRS. HUDSON: You mean, I don't get the divorce?

THE COURT: Yes, ma'am, not at this point.

MRS. HUDSON: But, sir, I didn't know anything about this.

THE COURT: There was considerable publicity. She's violating a Court Order.

Now, you may have some recourse against her, and I suggest that you consult an attorney in that regard, to see what your recourse against her is in regards to getting your Ninety-five dollars back.

MRS. HUDSON: Okay. Thank you.

THE COURT: I suggest to you that there is, over at the Bar Association, right here on Woodward and Griswold, you can consult an attorney. The cost will be Ten Dollars to you, and he will be able to give you legal advice. There is a program over there for One Hundred Twenty-five Dollars ($125); if you qualify for the program.

We have to protect the general public, also. Maybe in one violated case, the case might go through, but if we have people who are not trained in the law practicing the law, someone is going to get into some serious difficulty somewhere along the line. So, we have to put a stop to this. It may be unfair to you in this instance, but it has to be stopped. So, I suggest you go over to the Bar Association and you may be able to talk to any attorney over at the center, and talk about what you can do about getting your money from Mrs. Kramer, and about a new divorce action.

* * * * * * * * * * * * * * * * * * *

APPENDIX X (continued)

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JEANETTE HUDSON,

Plaintiff in pro per

-vs-

EDWARD H. HUDSON,

Defendant

Divorce

74-018-521-DO

Entered by the Court: 11/21/74

ORDER DENYING DEFAULT JUDGMENT OF DIVORCE AND ORDER OF DISMISSAL

This cause coming regularly before the Court for hearing on Pro-Con divorce and the Court having heard proofs, taken cause under advisement and rendered an opinion from the bench,

IT IS ORDERED that the Default Judgment of Divorce is denied and further;

IT IS ORDERED that the said cause be and it hereby is dismissed without prejudice.

/d/ ROLAND L. OLZARK
Circuit Judge

Date:
Nov 21, 1974

APPENDIX Y

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

PAUL W. AUSTIN, NO. 74-033912-DO

Plaintiff,

vs.

March 26, 1976

MAGNOLIA AUSTIN,

Defendant.

Transcript of proceedings had in the above-entitled matter before the Honorable Charles Kaufman, Circuit Judge, at Detroit, Michigan, on Friday, March 26, 1976.

APPEARANCES: PAUL W. AUSTIN, In Pro Per

Reported by:
George A. Lott, Jr.,
Official Court Reporter

Detroit, Michigan
Friday, March 26, 1976
Morning Session.

- - -

THE CLERK: Paul Austin versus Magnolia Austin.

THE COURT: You do solemnly swear or affirm the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESS: I do.

THE COURT: You are Paul Austin, right?

THE WITNESS: That's right.

THE COURT: And you filed a complaint for a divorce?

THE WITNESS: I did.

THE COURT: Who prepared it for you?

THE WITNESS: I did.

THE COURT: You did?

THE WITNESS: Yes, sir.

THE COURT: Did anybody help you?

THE WITNESS: No.

THE COURT: Nobody assisted you?

THE WITNESS: No.

THE COURT: How did you know what to allege in the Complaint?

THE WITNESS: It was nothing to allege but what had happened to me.

THE COURT: How did you know how long you had been a resident and when you were married and to whom, how did you know you were supposed to have that information in there?

THE WITNESS: Because I did it.

THE COURT: And you also put what her former name was, right?

THE WITNESS: That's right.

THE COURT: Did anybody tell you that --

THE WITNESS: No.

THE COURT: -- you need that in there?

THE WITNESS: No.

THE COURT: How did you know you needed these things in the Complaint?

THE WITNESS: It is a matter of legal.

THE COURT: It is the law, right?

THE WITNESS: That's right.

THE COURT: And everybody knows the law?

THE WITNESS: They should.

THE COURT: Who notarized it for you?

THEWITNESS: Miss Cramer.

THE COURT: Didn't she give you any assistance in filling this out?

THE WITNESS: No. She had to take what I say.

THE COURT: Where did you get the form from?

THE WITNESS: The Macomb County Court House.

THE COURT: You got the form from the Macomb County Court House?

THE WITNESS: Yes.

THE COURT: Who gave it to you there?

THE WITNESS: Some clerk.

THE COURT: Some clerk gave you a form for a Complaint for Divorce?

THE WITNESS: I got the form and they told me how to go about it.

THE COURT: They told you how to go about it?

THE WITNESS: Yes.

THE COURT: Was this person that told you how to go about it an attorney?

THE WITNESS: Yes, sir.

THE COURT: It was an attorney. How come the attorney didn't put his name on it if he helped to prepare it? The law requires any attorney to put his name on it.

THE WITNESS: He wasn't hired for my attorney, I just got the advice from him.

THE COURT: You just got the advice from him?

THE WITNESS: Yes, sir. I had tried a divorce before, see, and I didn't want her to have nothing to do with it. I had to get the papers and I got the papers from over there. Everything else in this divorce is what I said, like I am telling you. I know the grief it brought me, it had to be explained to the Court, and I know the Court can adjudge the case and that's what I am ask-

ing, if you will.

THE COURT: My next question is: You say what you did was filled in certain blanks on this Complaint, right?

THE WITNESS: I filled out a paper. I filled out what I had, what was to be said, and how I felt about my marriage and what I was to tell you.

THE COURT: That doesn't answer me. My question is, this paper which is entitled "Complaint for Divorce -- "

THE WITNESS: Uh-huh.

THE COURT: -- did you type it out yourself?

THE WITNESS: No. that's the copy of what I had.

THE COURT: Where is the original?

THE WITNESS: That's the original.

THE COURT: That's what I am talking about.

THE WITNESS: It was run through one of those . .

THE COURT: Duplicators?

THE WITNESS: Yes.

THE COURT: Who did that?

THE WITNESS: Miss Cramer did that.

THE COURT: Then she gave it to you?

THE WITNESS: No, she didn't give me that.

THE COURT: You got it somehow.

THE WITNESS: I told you where I got it from, your Honor. I am pleading to you for this divorce under, under - under the, the law of no fault law.

THE COURT: What law is that?

THE WITNESS: The no fault law.

THE COURT: What is the citation of that law? Do you know the citation?

THE WITNESS: The citation?

THE COURT: Yes, so I can find it.

THE WITNESS: No. It is the law for you to get the divorce under no fault.

THE COURT: If you come in here and cite law, you have got to give me the citation of what law you are talking about.

THE WITNESS: I may not know all the definitions of law as you do by being a Judge, but I know the grievance that is in a marriage, that is a burden to me, that you can relieve me of this. I know I understand that.

THE COURT: Well, you see, based upon just what little you told me, much of which I don't believe because it is incredible that you got something from an attorney in Macomb

County who advised you how to do it -- It's notarized by Virginia Cramer and I will take judicial notice that I have seen the exact duplicate of these Complaints wherein there are blanks left to fill in the date, place of marriage, maiden name of the wife and the other allegations, I am satisfied that this case is tainted with the improper and illegal practice of law and I am going to dismiss the case.

THE WITNESS: Your Honor, just a minute, I would like to ask you this question. What are you dismissing this case upon?

THE COURT: I can't hear you.

THE WITNESS: Are you dismissing this case?

THE COURT: Yes.

THE WITNESS: Because of personal representation or because of some personal feeling towards someone else?

THE COURT: I have no personal feeling towards anyone else involved except I am satisfied from what you have indicated and from what I can see in the pleadings that it's tainted with the illegal and unauthorized practice of law and on that basis I am

dismissing it.

THE WITNESS: Your Honor, that is irrelevant to what I am here for, a divorce, and you should not be looking back upon the record of somebody else.

THE COURT: I understand.

THE WITNESS: I don't see any other way to do it. How can I have the relief of this burden?

THE COURT: This Court will not be a party to the improper practice of law. Had you come in here, as you are trying to tell me, completely in pro per, I would give you the same consideration that anybody would be given .

THE WITNESS: That's what I did to the best of my knowledge. Are you holding this --

THE COURT: It is obvious to me that is not the case and I am so holding.

THE WITNESS: What case?

THE COURT: I beg your pardon?

THE WITNESS: What case are you speaking of?

THE COURT: This case.

THE WITNESS: A divorce case?

THE COURT: It is obvious to me in this case you didn't come in here just as an ordinary pro per citizen, that these pleadings were prepared by Virginia Cramer, she has notarized them, and the format is well familiar to this Court.

On that basis, the Court is dismissing it. Now, this may not be the last say. I am just one Judge that we have in this circuit.

THE WITNESS: I think I have a right to ask you this question.

THE COURT: I don't think you do.

THE WITNESS: I, if I come to you for a divorce, you wouldn't have told me what to put down, you would have to ask me what was my complaint just like anybody else. You are not a fortune teller.

THE COURT: Right.

THE WITNESS: But now you don't want to take this because you have a grievance, maybe, with Miss Cramer. I have nothing to do with that. I am here as any other citizen and with the rights of a citizen pleading for my divorce and that there is no law

that says I have to have an attorney of any special name to apply to that petition.

THE COURT: Are you finished, Mr. Austin?

THE WITNESS: No, sir, I am not.

THE COURT: Let me know when you are finished.

THE WITNESS: When I get finished, I want the record to show you refused me because of some feeling you have got towards Miss Cramer. That's what I want it to show.

THE COURT: Are you finished, Mr. Austin?

THE WITNESS: Yes.

THE COURT: The Court is going to make a ruling now. The Court is ordering that this case be dismissed because I make a finding that it is tainted with the unauthorized and illegal practice of law. Now, I assume you know all these things.

THE WITNESS: Then the case is, on my part is found insufficient?

THE COURT: I am further going to tell you that, while it is gratuitous, if you don't agree with my ruling, that is why we have courts of appeal.

THE WITNESS: Well --

THE COURT: We have a Court of Appeals if you disagree with my ruling.

THE WITNESS: You could do the same thing the Court of Appeals do if you would. I got sense enough to know that.

THE COURT: Next case.

THE WITNESS: You judge too many cases to throw this case aside because of one little incident, I know that.

(Whereupon, the hearing was concluded.)

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APPENDIX Z

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY
OF WAYNE

MICHAEL JON CHAPMAN,

Plaintiff,

NO. 80 024 790 DO

-vs-

LESAH MARIE CHAPMAN,

Defendant. Oct. 31, 1980

JUDGMENT OF DIVORCE

Proceedings had before the Honorable John D. O'Hair, Judge of the Third Judicial Circuit of Michigan, 1821 City-County Building, Detroit, Michigan, on Friday, October 31, 1980.

APPEARANCES: MICHAEL JON CHAPMAN
In Pro Per

Jeffrey B. Goldsmith
Official Court Reporter
CSMR-0037

October 31, 1980

PROCEEDINGS

THE CLERK: Chapman versus Chapman.

MICHAEL J. CHAPMAN having been duly sworn by the Clerk on his oath to tell the truth, was examined and testified as follows:

DIRECT EXAMINATION

MR. CHAPMAN: Your Honor, may I proceed?

THE COURT: No. Just a minute, please, What is your name, please?

MR. CHAPMAN: My name is Michael Jon Chapman.

THE COURT: Where do you reside, sir?

MR. CHAPMAN: I live at 27158 Colleen Court, Dearborn Heights, Michigan.

THE COURT: How long have you been a resident of the State of Michigan?

MR. CHAPMAN: I have been a resident of the State of Michigan for thirty years.

THE COURT: How long have you been a resident of Wayne County?

MR. CHAPMAN: For the County of Wayne for three years before filing this Divorce action.

THE COURT: Has that been a continuous residence immediately prior to filing this complaint for divorce?

MR. CHAPMAN: Yes, it has.

THE COURT: Who is Lezah Marie Chapman?

MR. CHAPMAN: She my wife.

THE COURT: Prior to your marriage to Mrs. Chapman, what was her maiden name?

MR. CHAPMAN: Lezah Marie Thompkins.

THE COURT: When, where and by whom were you married?

MR. CHAPMAN: We were married in Clio, Michigan on August 18, 1972 by a minister.

THE COURT: During the course of your marriage, were any children born?

MR. CHAPMAN: No, there were not.

THE COURT: During the course of your marriage, was any property of consequence acquired?

MR. CHAPMAN: No, there was not.

THE COURT: You have alleged in your complaint for divorce, that there has been a breakdown in your marital relationship between yourself and your wife to the extent that the objects of matrimony has been destroyed and there is no reasonable likelihood that your marriage can be preserved. Why do you feel that there has been a breakdown in your marriage that cannot be preserved?

MR. CHAPMAN: It became known to me that my wife left me to relocate with another man causing me extreme mental suffering. She went around a lot and neglected me.

THE COURT: When did you and your wife separate?

MR. CHAPMAN: On or about June 15, 1980.

THE COURT: Have you had any communication with her since that time?

MR. CHAPMAN: By telephone.

THE COURT: Have you discussed these divorce proceedings with her?

MR. CHAPMAN: Yes, sir.

THE COURT: What is her attitude concerning the divorce?

MR. CHAPMAN: She is in full acceptance.

THE COURT: Do either one of you expect to receive alimony?

MR. CHAPMAN: No.

THE COURT: Is your wife desirous of having her former name restored?

MR. CHAPMAN: Yes, she is.

THE COURT: Mr. Chapman, the documents that you have presented to me are form documents. May I ask where you acquired them, sir?

MR. CHAPMAN: Virginia Cramer.

THE COURT: When did you acquire them?

MR. CHAPMAN: Around June 13th, 1980.

THE COURT: What were the circumstances attending your contact with Mrs. Cramer?

MR. CHAPMAN: Newspaper advertisement.

THE COURT: When you met with Mrs. Cramer, what generally was the character of your discussion?

MR. CHAPMAN: She showed me the paperwork that I needed to fill out so I could get the proceeding underway.

THE COURT: Did she explain the various documents to you?

MR. CHAPMAN: Yes, she did.

THE COURT: Did she explain what the legal requirements were in Michigan relative to obtaining a divorce?

MR. CHAPMAN: As far as what?

THE COURT: Residence requirements, grounds, Making inquiry concerning property, children. Things of that nature?

MR. CHAPMAN: Briefly.

THE COURT: Did she advise you as to the procedures that you would have to follow in order to prosecute your own divorce in the courts in the State of Michigan?

MR. CHAPMAN: Yes, she did.

THE COURT: How many contacts did you have with Mrs. Cramer?

MR. CHAPMAN: Three.

THE COURT: What was the significance or the reason for the second contact, sir?

MR. CHAPMAN: The second contact, I believe, was for the praecipe.

THE COURT: And the third contact?

MR. CHAPMAN: The third contact was just to go over the paperwork filed with the Clerk.

THE COURT: Would you be more detailed as to what you mean by "go over the paperwork"?

MR. CHAPMAN: She - what she did was mail all the forms. Not mail them, but she put them in envelopes for me to mail. Basically, handled all the paperwork that I needed to go through.

THE COURT: Just so I understand what transpired. You met with Mrs. Cramer as a result of her advertisement?

MR. CHAPMAN: Right.

THE COURT: She advised you as to generally, the legal requirements for obtaining a divorce in the State of Michigan?

MR. CHAPMAN: Correct.

THE COURT: Who completed the forms?

MR. CHAPMAN: I did.

THE COURT: Did you provide the information to Mrs. Cramer and she completed them or did you ask her - -

MR. CHAPMAN: I filled out all the forms myself.

THE COURT: What did you pay Mrs. Cramer for her forms and service?

MR. CHAPMAN: Fifty-five dollars.

THE COURT: Mr. Chapman, I am going to grant your divorce, but I want you to know that it may well be that Mrs. Cramer is engaged in the unauthorized practice of law. She is not an attorney. The State Bar Grievance Board has requested judges such as myself to make inquiry concerning the so called, Cramer Divorce Kits. I have done so pursuant to the Bar's request. A copy of this transcript is hereby ordered and will be forwarded to the State Bar Grievance Board for whatever appropriate action is deemed necessary. The judgment for

divorce that you presented to me is signed. Your marriage is dissolved. I would suggest that you obtain true copies of your judgment of divorce from our Clerk, and that you serve a copy thereof upon your former wife. Thank you very much.

(Matter concluded.)

APPENDIX AA

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

AMENDMENT I

Congress shall make no law * * * abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, * * *; nor shall any person be subject for the same offence to be twice put in jeopardy of life

or limo; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; * * * .

APPENDIX BB

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right * * * to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constituion, of certain rights, shall not be construed to deny or disparage others retained by the people.

APPENDIX CC

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XIII

Section 1. Neither slavery nor involuntary servitude * * * shall exist within the United States, or any place subject to their jurisdiction.

APPENDIX DD

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX EE

STATUTORY PROVISIONS

28 USCA Section 1343

The district court shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen

of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights * * * ."

APPENDIX B

42 USCA Section 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, or any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. * * *

42 USCA Section 1985

(2) * * * or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) If two or more persons in any State or Territory conspire or go in disguise * * * on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; * * * or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

APPENDIX GG

42 USCA Section 1986

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which **such** person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action;

* * *

APPENDIX HH

42 USCA Section 1988

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this Title, and of Title "CIVIL RIGHTS" and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States * * *

APPENDIX II

FEDERAL RULES OF CIVIL PROCEDURE

Rule 12.

(a) A defendant shall serve his answer within 20 days after the service of the summons and complaint upon him * * * . The United States or an officer or agency thereof shall serve an answer to the complaint * * * within 60 days after service upon the United States attorney of the pleading in which the claim is asserted. * * *

(b) Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: * * * (6) failure to state a claim upon which relief can be granted, * * * If, on a motion asserting the defense numbered (6) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside

the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56.

Rule 56.

(c) * * * The judgment sought shall be rendered forthwith if the pleadings * * * together with the affidavits, if any, show that there is no genuine issue as to any material fact * * * .

(d) If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked * * * the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall * * * ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy

* * * and directing such further proceedings in the action as are just. * * *

(e) Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. * * * Sworn or certified copies of all papers or parts thereof referred to * * * shall be attached thereto or served therewith. * * * When a motion for summary judgment is made and sup= ported as provided in this rule, an adverse party * * * must set forth specific facts showing that there is a genuine issue for trial. * * * (emphasis added)

APPENDIX JJ

MICHIGAN CONSTITUTION OF 1963

Art. 1, Section 13. A suitor in any court of this state has the right to prosecute or de- fend his suit, either in his own proper person or by an attorney.

APPENDIX KK

MICHIGAN STATUTORY PROVISIONS

MCLA 600.1430; MSA 27A.1430

Every person of full age and sound mind, may prosecute or defend civil actions in any court by an attorney, or may, at his election, prosecute or defend civil actions in person. No person shall be permitted to prosecute or defend any civil action in person, when he has an attorney in such case.

MCLA 600.1901; MSA 27A.1901

A civil action is commenced by filing a complaint with the court.

MCLA 600.1905; MSA 27A.1905

(1) Upon the filing of the complaint the clerk shall forthwith issue summons. Separate summons may issue against any defendant. Duplicate summons may be issued from time to time with like effect as the original summons.

APPENDIX LL

MCLA 600.1912; MSA 27A.1912

Service of process may be made upon an individual by leaving a summons and a copy of the complaint with the defendant personally.

MCLA 600.1815; MSA 27A.1815

The writ of capias ad respondendum is abolished and no civil actions shall be started by arrest.

MCLA 600.1711; MSA 27A.1711 and Michigan General Court Rule 760.1

.1 Initiation of Proceeding. For contempts not committed in the immediate view and presence of the court, upon a proper showing on ex parte motion supported by affidavits, the court shall either order the accused party to show cause at some reasonable time, to be therein specified, why he should not be punished for the alleged misconduct, or shall issue a bench warrant for the arrest of such party. (emphasis added)

APPENDIX MM

59 Am Jur 2d, Parties, at 1, Generally.

"For litigation there must be a controversy and for a controversy there must be adverse parties. * * * The object of making a person a party to a legal proceeding is to enable him to be heard * * * and also to enable the court to entertain the action. In the absence of indispensable or necessary parties, the court may not proceed to judgment. * * *

"It is broadly stated that every man is entitled to an opportunity to be heard in a court of law upon a question involving his rights or interests before he is affected by any judicial decision on the question, and it is essential to the proper rendition of a judgment in personam that the court have jurisdiction of the parties. The general rule is that a judgment may not be rendered in favor of or against a person who was not made a party to the action. * * * (emphasis added)

" * * * The Federal Rules of Civil Procedure and similar state provisions declare that parties may be added by order of the court on its own initiative. * * *

and, at 11:

"Persons who have no interest in the subject matter of the action or in the relief demanded are not proper parties." (emphasis added)

and, at 192:

"After the court has made an order to that effect, the new parties are ordinarily brought in by amended and supplemental pleadings containing such allegations as are necessary to make the persons omitted, parties to the action, or as to make the allegations applicable to them * * * . It is also necessary that the new party be brought under the the jurisdiction of the court. * * * (emphasis added)

APPENDIX NN

MICHIGAN GENERAL COURT RULE 865 "Final Process from Supreme Court" (1976-1977)

An order or judgment pursuant to any decision of the Supreme Court shall be entered by the clerk under the direction of the court. Final process to which any party may be entitled upon a judgment or order of the Supreme Court shall be issued by the clerk not less than twenty nor more than thirty days from the time of the entry of such judgment or order unless otherwise ordered by the court or unless application for rehearing timely filed is pending.

MICHIGAN GENERAL COURT RULE 866 "Miscellaneous Relief Obtainable in Supreme Court." (1976-1977)

* * * .2 Allowing Act After Expiration of Time. Where, under the practice relating to appeals or stay of proceedings, any non-jurisdictional act is required to be done within a designated time, the Supreme Court or a judge thereof may at any time, upon motion and due notice, permit it to be done after expiration

of such period upon a showing made to the Supreme Court or a judge thereof that there was good cause for such delay or that it was not due to the culpable negligence of the appellant. Application for such permission shall be heard only on the usual notice required for special motions, and notice thereof shall be accompanied with a copy of the application and the affidavits on which the same is based.

APPENDIX OO

RULES CONCERNING THE STATE BAR OF MICHIGAN
(a self-interest group)

Rule 1. The State Bar of Michigan is the association of the members of the bar of this State, organized and existing as a public body corporate pursuant to powers of the Supreme Court over the bar of the State. The State Bar of Michigan shall * * * aid * * * in promoting the interests of the legal profession in this State.

Rule 5. * * * (b) The Board of Commissioners may * * * (7) bring an action or proceeding at law or in equity in a state or federal court or tribunal and intervene and be heard on an issue involving the membership or affairs of the State Bar in an action or proceeding pending in a state or federal court or tribunal.

Rule 16. The State Bar of Michigan is hereby authorized and empowered to investigate matters pertaining to the unauthorized practice of law and, with the authority of its board of commissioners, to file and prosecute actions and proceedings with regard to such matters.

APPENDIX PP

MCLA 600.916; MSA 27A.916

Unauthorized practice of law

Sec. 916 It is unlawful for any person to practice law, or to engage in the law business, or in any manner whatsoever to lead others to believe that he is authorized to practice law or to engage in the law business, or in any manner whatsoever to represent or designate himself as an attorney and counselor, attorney at law, or lawyer, unless the person so doing is regularly licensed and authorized to practice law in this state. Any person who violates the provisions of this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurred, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter.